

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
CLAUDE GALLAND, VIOLAINE GALLAND,
PARISTUDIOS, :

Plaintiffs, :

-against- :

JAMES JOHNSTON, JUDITH JOHNSTON, STEPHEN :
BOWDEN, TERRI BOWDEN, :

Defendants. :
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**Docket No.: 14 CV 4411
(SULLIVAN, RJ)**

**AFFIRMATION OF
LISA R.J. PORTER**

I, Lisa R.J. Porter, an attorney at law, duly admitted pro hac vice to practice law before this Court, affirms the following to be true under penalty of perjury:

1. I am one of the attorneys for the Defendants James and Judith Johnston;
2. Pursuant to this Court's Order of October 18, 2017 requiring Plaintiffs to appear for a telephonic or other auditory deposition before November 10, 2017, on October 23, 2017, I sent notices of deposition of Claude Galland and Violaine Galland to the Gallands via first class mail and the email address of record, setting Violaine Galland's deposition to commence on November 2, 2017 at 1:00 p.m. EST, and Claude Galland's deposition to begin at 2:00 p.m. EST.
3. I retained a court reporter and on November 2, 2017, I placed a call from my office in Lake Oswego, Oregon, at 1:00 p.m. EST, to Violaine Galland, at the phone number that she provided to me at the initial scheduling conference in New York. Violaine Galland answered the phone and indicated that she would have her deposition taken,

AFFIRMATION OF LISA R. J. PORTER
PAGE 1

but she wanted to call me back in 20 minutes. I told her that I was in a conference room and would call her back in 20 minutes at the same phone number. She verified that the phone number was a good number for her to be called back.

4. At 1:20 p.m. EST, I called Violaine Galland back as she requested, and she did not answer the phone. I attempted to place the call again five minutes later, at 1:25 p.m., and she again did not answer the phone, nor call me back at my office phone number.
5. At 2:00 p.m. EST on November 2, 2017, I telephoned the phone number for Mr. Claude Galland for his deposition at the number he provided to me at the initial scheduling conference in this case. Mr. Galland did not answer his phone. I tried five minutes later, and he again did not answer his phone. I then realized that there was a typographical error on Mr. Galland's Notice of Deposition in that it was captioned Violaine Galland but addressed to Claude Galland at Mr. Galland's phone number. Therefore, on November 2, 2017, I re-noticed Claude Galland's deposition to take place on November 8, 2017 at 12:00 p.m. EST. This notice was sent via overnight mail.
6. On November 8, 2017 at 12:00 p.m. EST, I placed a call to Mr. Galland at his phone number provided. Mr. Galland did not answer his phone. I attempted to call again five minutes later, and Mr. Galland answered and yelled in the phone to me demanding I call him from my personal cell phone number and to check my email.
7. I was unable to get to a computer as I had been in a conference room with the court reporter for the deposition. When I went back to my office and checked my email, I received two emails from Mr. Galland at 11:48 EST. The first one stated:

AFFIRMATION OF LISA R. J. PORTER
PAGE 2

“To : Lisa Porter.
This is the 4th mail sent to you.
Please NOTE: My wife is in Switzerland for the next year.
.Her land line is : 011-41- 325-355-889
There are 9 hours difference.
DO NOT CALL MY LOVELY WIFE AFTER THE HOURS AS
YOU DID ON NOVEMBER 2nd, 2017.
DO NOT BULLY US
I am in New York.
At 12;00 pm will conduct my EBT as you per Judge ORDERS.
Use your cell to call me.”

The second email at 11:54 a.m. stated: “I am in New York. At 12;00 pm we will conduct my EBT as you per Judge ORDERS. call me from your cell.” True and correct copies of both emails are attached to this affirmation.

8. Only 12 minutes prior to Mr. Galland’s deposition was the first I had received any correspondence or objection from Plaintiffs related to the Notice of Deposition originally emailed on October 23 and again on November 2, 2017.
9. I expended considerable time and costs in preparing for the depositions scheduled in this matter.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on December 13, 2017.

By: s/Lisa R. J. Porter
Lisa R.J. Porter
Attorney for Defendants Johnstons

From: Dr Claude Galland <dr.claudegalland@gmail.com>
To: lisa@jplawpc.com
Sent: Wednesday, November 8, 2017 8:48 AM
Subject: EBT

To : Lisa Porter.

This is the 4th mail sent to you.

Please NOTE: My wife is in Switzerland for the next year.

Her land line is : 011-41- 325-355-889

There are 9 hours difference.

DO NOT CALL MY LOVELY WIFE AFTER THE HOURS AS YOU DID ON NOVEMBER 2nd, 2017

DO NOT BULLY US .

I am in New York.

At 12:00 pm will conduct my EBT as you per Judge ORDERS.

Use your cell to call me.

Dr. Claude Galland

Innovation

Since 1997 Federal ID # 13-3946314

Tel +1(917)770-1046

Fax +1(917)546-2396

Dr.claudegalland@gmail.com

www.innovations-paris.com

From: Dr Claude Galland <dr.claudegalland@gmail.com>
To: lisa@jplawpc.com
Sent: Wednesday, November 8, 2017 8:54 AM
Subject: EBT

I am in New York.

At 12:00 pm we will conduct my EBT as you per Judge ORDERS.
call me from your cell.

--
Dr. Claude Galland
Innovation

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